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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2004 NOV 17 A 11:18

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

IN THE MATTER OF:

AVIS READ, individually, on behalf of all similarly  
situated,

Complainants,

v.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

DOCKET NO. E-01345A-04-0657

Arizona Corporation Commission

**DOCKETED**

NOV 17 2004

DOCKETED BY

*CMR*

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
DECLARATORY ORDER REGARDING BILL  
ESTIMATION PROCEDURES.

DOCKET NO. E-01345A-03-0775

**PROCEDURAL ORDER**

**BY THE COMMISSION:**

On October 23, 2003, Arizona Public Service Company ("APS") filed an application requesting a declaratory order finding that its past and present procedures for bill estimation either are exempt from or comply with the requirements of A.A.C. R14-2-102 and R14-2-1612 ("Application for Declaratory Order").

On September 9, 2004, Avis Read ("Complainant"), on her own behalf and on behalf of a class of customers of APS filed a complaint ("Complaint") against APS.

On November 2, 2004, a Procedural Order was issued consolidating these matters and setting procedural dates.

On November 4, 2004, APS filed a Motion to Amend Procedural Order ("Motion") requesting: 1) an extension of the time for APS and the Complainant to file direct testimony from November 23, to December 7, 2004; 2) responses to the December 7, 2004 direct testimony and the December 17, 2004 Utilities Division's Staff Report be filed on or before January 13, 2005; and 3)

1 any response to Staff's January 13, 2005 direct testimony and exhibits be filed on or before the  
2 January 18, 2005 pre-hearing conference.

3 On November 9, 2004, Staff filed its Objection to APS' Motion, indicating that Staff objected  
4 only to APS' request for extending the time for APS and Complainant direct testimony to December  
5 7, 2004.

6 On November 10, 2004, APS filed its Reply in Support of its Motion ("Reply"), withdrawing  
7 its request to extend the filing deadline for direct testimony from November 23, 2004 to December 7,  
8 2004.

9 On November 12, 2004, the Complainant filed a Response to the Motion, indicating the  
10 Complainant was taking no position on the Motion.

11 Accordingly, the procedural schedule should be modified to allow the Complainant and APS  
12 to file rebuttal testimony to their respective direct testimonies and to Staff's initial report and to file  
13 responses to Staff's direct testimony and exhibits.

14 IT IS THEREFORE ORDERED that the Complainant and APS shall file any testimony and  
15 exhibits in response to the direct testimony or exhibits filed by each other and any response to Staff's  
16 initial written Staff report on or before January 13, 2005.

17 IT IS FURTHER ORDERED that the Complainant and APS shall file any testimony and  
18 exhibits related to Staff's direct testimony and exhibits at or before the January 18, 2005 pre-hearing  
19 conference.

20 IT IS FURTHER ORDERED that all other terms of the November 2, 2004 Procedural Order,  
21 including the November 23, 2004 deadline for filing direct testimony and exhibits, the January 18,  
22 2005 pre-hearing conference and the January 20, 2005 hearing dates, remain in effect.

23 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
24 Communications) continues to apply to this proceeding.

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 Dated this 17<sup>th</sup> day of November, 2004

4 *Lyn Farmer / by D. M. Jones*  
5 LYN FARMER  
6 CHIEF ADMINISTRATIVE LAW JUDGE

7 The foregoing was mailed/delivered  
8 this 17 day of November, 2004 to:

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